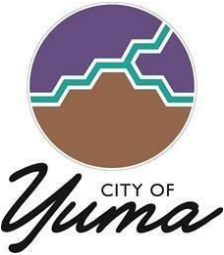


## **Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on Monday, March 13, 2023, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

	<p style="text-align: center;"><b>Agenda</b> <b>Planning and Zoning Commission Meeting</b> <b>City Hall Council Chambers</b> <b>One City Plaza Yuma, AZ</b> <b>Monday, March 13, 2023, 4:30 p.m.</b></p>
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**A. CALL TO ORDER**

**B. CONSENT CALENDAR** – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

**B.1 APPROVAL OF MINUTES** – NONE

**B.2 WITHDRAWALS BY APPLICANT** – NONE

**B.3 TIME EXTENSIONS** – NONE

**B.4 CONTINUANCES** – NONE

**B.5 APPROVALS** – NONE

**C. ACTION ITEMS** –

**C.1 CUP-40942-2022:** *This is a request by Dahl, Robins, and Associates, on behalf of Spencrazi, LLC and the City of Yuma, for a Conditional Use Permit to allow a drive-through restaurant for Slim Chickens in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at the southeast corner of W. 16<sup>th</sup> Street and S. 6<sup>th</sup> Avenue, Yuma, AZ..*

**D. PUBLIC HEARINGS** – NONE

**E. EXECUTIVE SESSION** – NONE

**F. INFORMATION ITEMS**

**F.1 STAFF**

**F.2 COMMISSION**

**F.3 PUBLIC** – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

## **ADJOURN**

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).



**STAFF REPORT TO THE PLANNING & ZONING COMMISSION**  
**DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – CONDITIONAL USE PERMIT**  
**CASE PLANNER: BOB BLEVINS**

**Hearing Date:** March 13, 2023

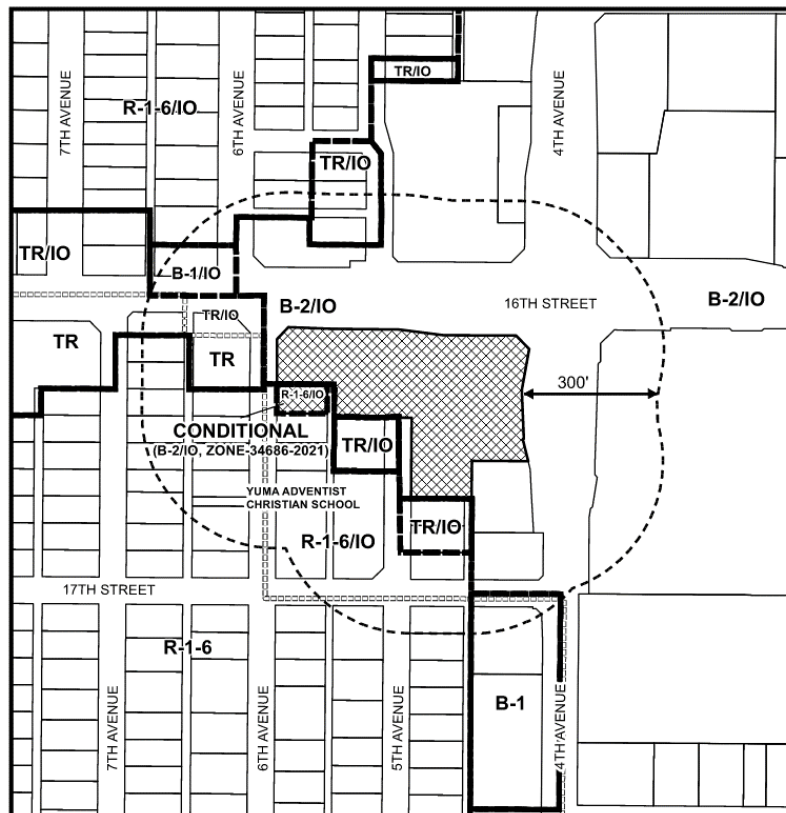
**Case Number:** CUP-40942-2023

**Project Description/Location:**

This is a request by Dahl, Robins, and Associates, on behalf of Spencrazi, LLC and the City of Yuma, for a Conditional Use Permit to allow a drive-through restaurant for Slim Chickens in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at the southeast corner of W. 16<sup>th</sup> Street and S. 6<sup>th</sup> Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	General Commercial / Infill Overlay (B-2 / IO)	Vacant	Commercial
<b>North</b>	General Commercial / Infill Overlay (B-2 / IO)	Clinic	Commercial
<b>South</b>	Low Density Residential / Infill Overlay (R-1-6 / IO)	Residence	Low Density Residential
<b>East</b>	General Commercial / Infill Overlay (B-2 / IO)	Vacant	Commercial
<b>West</b>	Transitional (TR)	Office Building	Mixed Use

**Location Map:**



**Prior site actions:** Annexations: #449 (11/06/1945) & #742 (04/22/1958); Subdivision: Orange Grove Subdivision (02/25/1948); Rezone: Ord #2015-008 (02/18/2015), Ord #O2021-027 (08/04/2021), Ord #O2023-002 (02/01/2023).

**Staff Recommendation:** Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through restaurant for Slim Chickens in the General Commercial /Infill Overlay (B-2/IO) District, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Conditional Use Permit CUP-40942-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Dahl, Robins, and Associates, on behalf of Spencrazi, LLC and the City of Yuma, for a Conditional Use Permit to allow a drive-through restaurant for Slim Chickens in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at the southeast corner of W. 16<sup>th</sup> Street and S. 6<sup>th</sup> Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

**Staff Analysis:** Yuma City Code lists Permitted Uses and Conditional Uses in each Zoning District. The Conditional Use Permits listed in each district are particular to the types of zoning: residential, commercial, or industrial.

In the General Commercial District, "Drive-through for any restaurant, bank, retail, or service . . ." can be considered for approval with conditions of approval specific to the site and use.

The purpose for the review is to allow uses which are deemed to possess location, use, building, or traffic characteristics of such unique and special form as to make their automatic inclusion as permitted uses impractical or undesirable.

In granting a conditional use permit; certain safeguards may be required, and certain conditions established to accomplish to following:

- To protect the public health, safety, convenience and general welfare;
- To assure that the purposes of the zoning code shall be maintained with respect to the particular conditional use on the particular requested site;
- To consider the location, use, building, traffic characteristics and environmental impact(s) of the proposed use; and
- To consider existing and potential uses with the general area in which the requested conditional use is proposed.

From the applicant:

"The Owner proposes to construct a new 3,683 square foot Slim Chickens restaurant with 428 square foot patio, dual drive through/bypass lanes and 38 parking stalls on this property. The drive through lanes will provide safe and convenient access to the restaurant and accommodate a minimum of eighteen (18) queued vehicles.

"This location will provide consumers with a new, branded restaurant in Yuma, for the local residents and traveling public. Site access to and from the public street system has been designed with internal roadways that will reduce the chance of vehicles queuing into the public roadway. One new driveway will provide direct access to 6th Avenue, while a private road within Center Pointe Commons will provide access to two, other adjacent public roadways – 4th Avenue and 5th Avenue.

"The building and parking setbacks are in conformance with the City Council approved Development Agreement and have been designed to provide protection to adjoining uses and create site visibility at the intersections. Menu boards, order boards and the trash enclosure have been located as far away as practical from the existing residences. The height and elevations of the building are compatible with the general character of the surrounding commercial development. Adequate lighting and landscaping have been provided.

"A Lot Tie/Lot Split is currently in review by the City. Together with the Building Permit submittal, plans will be submitted which include improvements for an extension to the public domestic water system, connections for fire suppression, an extension of a private sanitary sewer service line, the installation of a storm water collection system, and a private roadway connection between 4th Avenue and 5th Avenue. Onsite storm water disposal will be provided through a storm drain collection system which discharges into a catch basin connected to the public storm drain system."

**1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?**

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Reducing car headlight glare	6
B.	Parking	None	
C.	Lighting	Light must be contained on the property.	4
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	Trash Enclosure	5
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

**2. Does the site plan comply with the requirements of the zoning code?**

Yes

**3. Does the proposed use and site plan comply with Transportation Element requirements?**

<b>FACILITY PLANS</b>						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
6 <sup>th</sup> Avenue- Local Street	29 FT H/W ROW	30 FT H/W ROW	N/A	N/A	N/A	N/A
Bicycle Facilities Master Plan	None					
YCAT Transit System	Yellow Route- 4 <sup>th</sup> Avenue					
Issues:	None					

**4. Does the proposed conditional use conform to all prior City Council actions for this site?**

Yes

**5. Can the P&Z Commission answer the following questions affirmatively?**

**(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?**

Yes.

**(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?**

Yes.

**(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?**

Yes.

**(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?**

Yes.

**(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?**

Yes.

**(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?**

Yes.

**(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?**

Yes.

**Public Comments Received**

Name:	Judy Phillips				Contact Information: <a href="mailto:pa_phillips@hotmail.com">pa_phillips@hotmail.com</a> >						
Method of Contact:	Phone	X	FAX		Email	X	Letter		Other	X	Neighborhood Meeting

Opposed: "I can not make it to the neighborhood meeting. Please do not put a drive thru restaurant on that property on corner of 6th ave and 16th street. A drive through restaurant would be very disruptive to the neighborhood. Cars coming and going all the time. The property was residential originally and a nice quiet neighborhood. When it was re-zoned it was mentioned it would be offices."

"Concerned about drive-thru in vicinity of neighborhood. Not a good business course with comings and goings all hours of the night."

**Agency Comments:**

None Received.

**Neighborhood Meeting Comments:**

See Attachment F.

**Discussions with Applicant/Agent:**

02/06/23

**Proposed conditions delivered to applicant on:**

02/13/23

**Final staff report delivered to applicant on:**

02/27/23

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 02/22/23
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**ATTACHMENTS:**

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Elevations	Agency Notifications	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

**Prepared By:***Robert M. Blevins***Date:**

03/13/23

**Robert M. Blevins**

Principal Planner

Robert.Blevins@yumaaz.gov (928) 373-5189

**Approved By:***Alyssa Linville***Date:**

02/23/2023

Alyssa Linville,

Director of Planning and Neighborhood Services

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Alyssa Linville,  
Director of Planning and Neighborhood Services (928) 373-5000, x 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

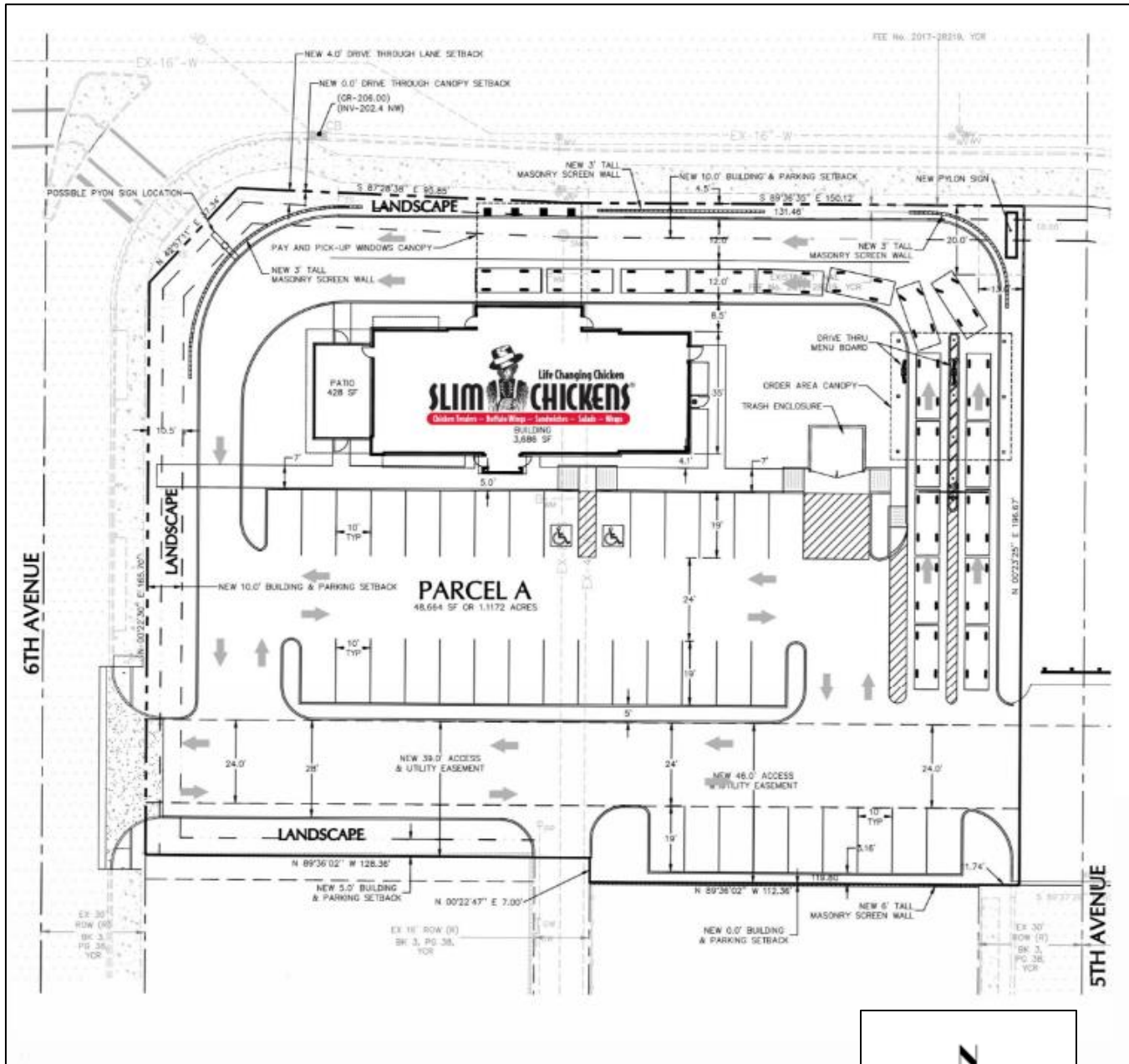
**Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189:**

3. All parking lot and exterior building lighting, other than internally-lit signs, must be shielded and/or directed downwards so as not to have light trespass onto the right-of-way or neighboring properties. As part of the electrical and building permit process, a photometric data site plan must be submitted, showing the light emissions to be contained upon the property. If using LED exterior lighting, the color temperature of the LEDs must be 3000 K or lower.
4. The trash enclosure must be of block construction with solid gates and the entire enclosure coated with an anti-graffiti coating and painted to compliment the main development on the property.
5. The Owner shall provide a minimum three foot (3') high solid masonry screen wall with poured concrete footings under a mortared permanent block wall; installed to effectively screen drive-thru customer's automobile headlights from traffic utilizing 6<sup>th</sup> Avenue and 16<sup>th</sup> Street, in place prior to the date of business opening. The wall is to be installed exactly as shown on the approved construction plans and be completed prior to the Certificate of Occupancy.
6. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
7. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
8. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
9. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**



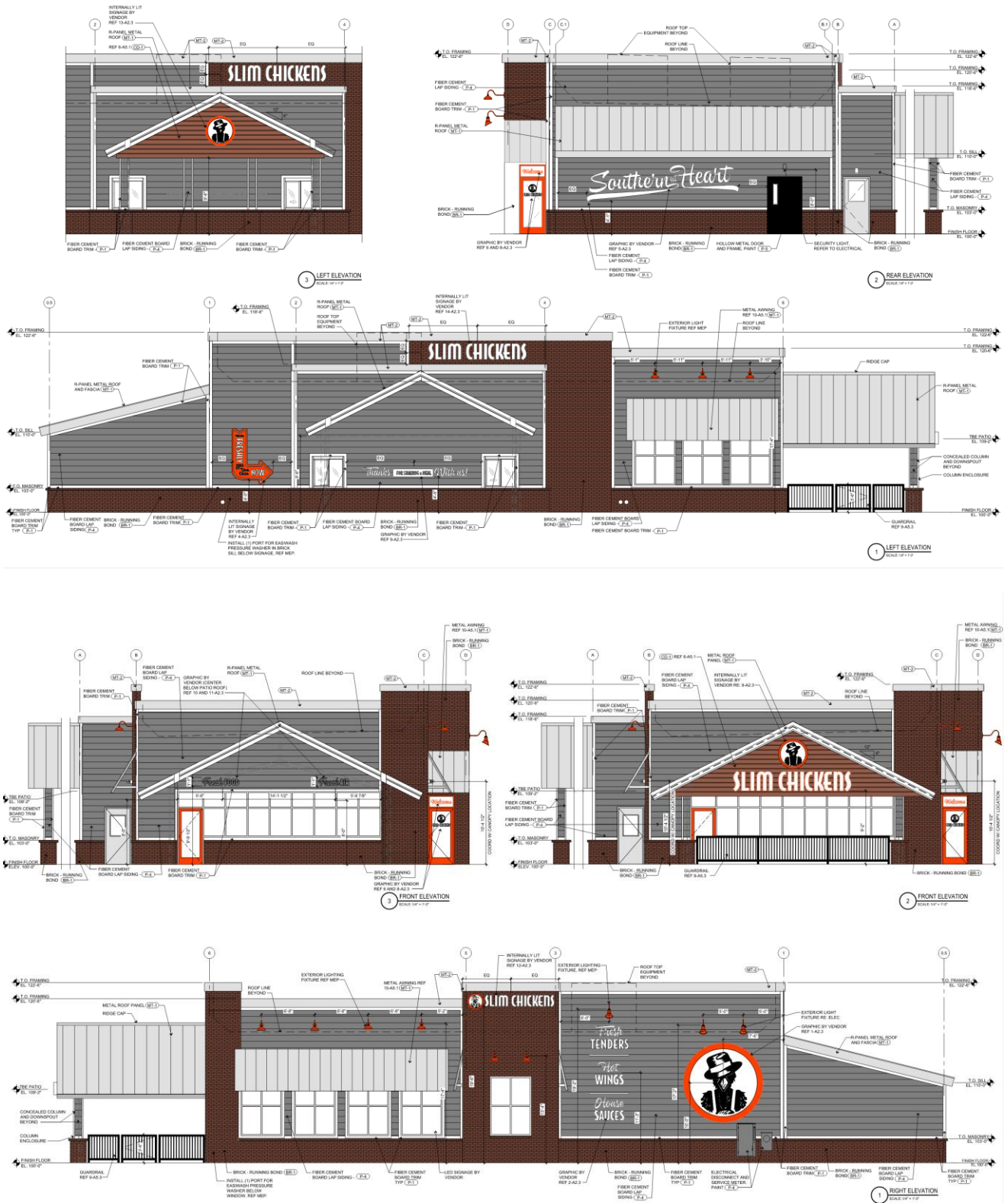
# ATTACHMENT B SITE PLAN





## ATTACHMENT C

### ELEVATIONS



## ATTACHMENT D

### AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 02/17/22
- 300' Vicinity Mailing: 01/23/23
- 34 Commenting/Reviewing Agencies noticed: 01/26/23
- Site Posted on: 01/30/23
- Neighborhood Meeting: 02/06/23
- Hearing Date: 03/13/23
- Comments due: 02/06/23

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	01/24/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	001/30/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Fort Yuma Quechan Tribe	YES	01/24/23	X		
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	02/18/23	X		
Yuma Proving Ground	YES	01/23/23	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	01/23/23	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	01/23/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	01/23/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT E**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 02/06/23 @ 5:p.m.

**Location:** 6<sup>th</sup> Ave at 16<sup>th</sup> Street

**Attendees:** Brad Flahiff (Slim Chickens); Lane Heida and Tom Pancrazi (Realtors); Christopher Robins (Agent); Bob Blevins (City Planning Staff); and three neighbors.

**SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:**

- **BRAD: COMING INTO ARIZONA. TWO IN GILBERT. INDOOR SEATING FOR 88 PLUS 4,200 SQ. FT. OUTDOOR PATIO.**
- **NEIGHBOR: HIGHLY OPPOSED. NOISE FROM DRIVE-THRU.**
- **NEIGHBOR: IS IT DEFINITE? WE WERE TOLD SEVERAL TIMES SOMETHING WILL HAPPEN.**
- **BRAD: YES- WE ARE NOW IN A POSITION TO PROCEED.**
- **BRAD: DOUBLE DRIVE-THRU LANES- 18 CARS STACKING.**
- **BRAD: WON'T USE EXISTING DRIVEWAYS. WILL BUILD SIMILAR DRIVEWAYS- NEED WIDER DRIVEWAYS. USING ACCESS AT 5<sup>TH</sup> AVENUE ALSO.**
- **BRAD: WILL SHIELD RESIDENCES FROM MENU BOARD AND TRASH ENCLOSURE.**
- **BRAD: WE ARE A FAMILY-OWNED BUSINESS IN AZ.- OWNS YUMA BURGER KING FRANCHISES.**
- **NEIGHBOR: LIVED HERE 40 YEARS IN THIS HOUSE. WE APPRECIATE THE MEETING. GET IT DONE.**
- **BRAD: IF ISSUES- LET US KNOW. SHOULD BE A TRAFFIC NOISE SOUND BARRIER.**

**MEETING ADJOURNED AT 5:21 P.M.**

**ATTACHMENT F**  
**NEIGHBOR NOTIFICATION LIST**

MORRIS ROBERT J & JEAN ANN TRUST 6-12-2012	PO BOX 123	RICO	CO	81332
FACTUM LLC	PO BOX 2076	YUMA	AZ	85366
RIVERCATS AZ LLC	3150 S CATALINA DR	YUMA	AZ	85364
PENSCO TRUST COMPANY	1896 W TUMBLE CREEK DR	MERIDIAN	ID	83646
MCCRORY JAMES L & JUDY LEWIS JT	3268 W LONDON DR	YUMA	AZ	85364
MEDINA LEON J CARMEN & MARIA C	4155 W 21ST ST	YUMA	AZ	85364
SWINEHART RONNIE	455 W 17TH ST	YUMA	AZ	85364
APOSTOLIC ASSY OF FAITH IN JESUS CHRIST	PO BOX 1502	YUMA	AZ	85366
AZ CONFERENCE SEVENTH DAY ADVENTISTS	13405 N SCOTTSDALE RD	SCOTTSDALE	AZ	85254
SPENCRAZI LLC	190 S MADISON AVE STE 2	YUMA	AZ	85364
PHILLIPS JUDITH S	PO BOX 650070	DALLAS	TX	75265
GOETTER GLORIA I &	PO BOX 989	ANN ARBOR	MI	48106
CAMARENEX AZ LLC	2450 S 4TH AVE STE 102	YUMA	AZ	85364
ORTIZ PLAZA LLC	4648 W 22ND PL	YUMA	AZ	85364
PMG PARTNERSHIP AZ LLC	350 W 16TH ST STE 332	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
THOMPSON CHRISTOPHER R & EDNA D JT	4832 W 29TH LN	YUMA	AZ	85364
NUNEZ OLGA	5201 E US HIGHWAY 95 #165	YUMA	AZ	85365
DIAZ PATRICIA AGUILAR	1609 S 7TH AVE	YUMA	AZ	85364
RICO ROBERT G JR & VIRGINIA JT	1608 S 6TH AVE	YUMA	AZ	85364
MURRAY MELISSA & JEREMY JT	2611 N 7TH ST	GARDEN CITY	KS	67846
NANCE EDGAR F JR & KAREN L TRUST 9-19-00	PO BOX 1494	YUMA	AZ	85366
STRICKLIN WAYNE TRUST 9-28-2021	1621 S 7TH AVE	YUMA	AZ	85364
RILLAMAS ROBERT GERARD & DENISE J JT	PO BOX 6850	YUMA	AZ	85366
STRICKLIN WILLIAM N & ROBYN G JT	1621 S 7TH AVE	YUMA	AZ	85364
LEYVA BLANCA E	1616 S 6TH AVE	YUMA	AZ	85364
BRUNO ANTHONY M	1625 S 7TH AVE	YUMA	AZ	85364
GUTIERREZ PATRICIA M & LUIS E	1684 S 6TH AVE	YUMA	AZ	85364
SALAZAR GILBERT	1633 S 7TH AVE	YUMA	AZ	85364
ZEE PROPERTIES LLC	PO BOX 3839	KINGMAN	AZ	86402
JOHNSON MARY CHRISTINE	1089 W 34TH ST	YUMA	AZ	85365
SMITH JIM D	221 S 2ND AVE STE 1	YUMA	AZ	85364
YUMA MESA LLC	11772 SORRENTO VALLEY RD	SAN DIEGO	CA	92121
NEELAPPA MALLAPPA & CYNTHIA TRUST 4-14-2001	2204 W 12TH ST	YUMA	AZ	85364

**ATTACHMENT G  
NEIGHBOR MAILING**

This is a request by Dahl, Robins, and Associates, on behalf of Spencrazi, LLC and the City of Yuma, for a Conditional Use Permit to allow a drive-through restaurant for Slim Chickens in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at the southeast corner of W. 16<sup>th</sup> Street and S. 6<sup>th</sup> Avenue, Yuma, AZ.

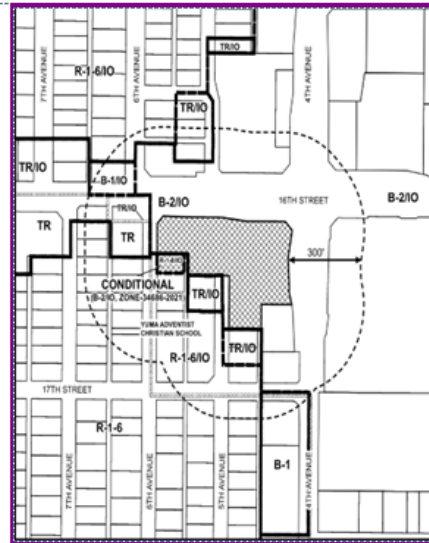
**MEETING DATE,  
TIME & LOCATION**

FOR CASE #  
CUP-40942-2022

**NEIGHBORHOOD MEETING**  
02/06/2023 @ 5PM  
ON-SITE

**PUBLIC HEARING**

03/13/2023 @ 4:30pm  
City Hall Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the southeast corner of W. 16<sup>th</sup> Street and S. 6<sup>th</sup> Avenue, Yuma, AZ. you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at [Robert.Blevins@YumaAz.gov](mailto:Robert.Blevins@YumaAz.gov)



ATTACHMENT H  
AERIAL PHOTO

